UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.30
8 April 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 30th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Monday, 17 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)
later: Mr. ENNACEUR (Tunisia)
later: Mr. WALKER (Australia)

CONTENTS

Statement by His Excellency Mr. René Felber, President of the Swiss Confederation and Chief of the Federal Department of Foreign Affairs

World Conference on Human Rights (continued)

* The summary record of the second part of the meeting appears as document E/CN.4/1992/SR.30/Add.1.

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GE.92-10789/4392B

CONTENTS (continued)

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

(b) National institutions for the promotion and protection of human rights.

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

The meeting was called to order at 3.10 p.m.

STATEMENT BY HIS EXCELLENCY MR. RENE FELBER, PRESIDENT OF THE SWISS CONFEDERATION AND CHIEF OF THE FEDERAL DEPARTMENT OF FOREIGN AFFAIRS

1. Mr. FELBER (President of the Swiss Confederation and Chief of the Federal Department of Foreign Affairs) said that although Switzerland was not a Member of the United Nations, the United Nations European Office and the headquarters of the International Law Commission were nevertheless located in Geneva, the birthplace of humanitarian law, and the Commission on Human Rights also worked in Geneva. On the threshold of the year 2000, when it was universally recognized that a system of protection of human rights which promoted the economic and social development of countries, and hence their stability, was a prerequisite for peace and security in the world, the Commission had an important role to play and a heavy responsibility to bear.

2. It should thus lose no time in devising an emergency procedure which would enable it - even when not in session - to react promptly, whether in peace-time or in time of armed conflict, to any flagrant, serious and repeated human rights violations, wherever they occurred. In that regard, Austria's proposal constituted a sound basis for discussion. Far from weakening the Commission's established mechanisms, the emergency intervention procedure would use them, strengthen them and coordinate their activities in a given country. For instance, it might be decided by common agreement between those mechanisms and the Bureau of the Commission or its members to trigger the procedure, and to send a delegation of representatives to the country concerned. That delegation would prepare a report setting out the facts, formulating conclusions and making recommendations with a view to putting an end to the violations observed. The Commission would then follow up the report, availing itself of the cooperation afforded by the State being inspected.

3. On the question of refugees, he considered that the Commission, in resolution 1991/25 which had requested the United Nations Secretary-General to submit to it an analytical report on "internally displaced persons", had given the latter a mandate which should be extended to cover all aspects of the problem, including enforced movements of persons across frontiers. That mandate should include, first and foremost, a study of situations in which human rights violations had led to enforced displacements as well as a search, in collaboration with UNHCR, for ways and means of creating favourable conditions for the return of displaced persons in security and dignity. The ultimate objective of such a mandate would be to prevent such refugee movements by helping to eliminate their root causes. The Commission might entrust that task to a group of five experts, who would be responsible for investigating the practices of certain States which were not complying with the Universal Declaration of Human Rights or with other international instruments to which they were parties, practices which had been the cause of population flows either within a country or across its borders.

4. One of the chief concerns of both the Commission on Human Rights and of the World Conference on Human Rights should be prevention. If, despite all the undertakings of States which were signatories to the Conventions, the situation was still, to say the least, alarming, it was basically due to the fact that the institutional mechanisms of the United Nations were generally designed solely to react or to repress. The main idea behind Cost Rica's proposal for the addition of an optional protocol to the Convention against Torture was to anticipate violations. Switzerland, where that idea had originated, had for many years supported that proposal, which would involve setting up under the Convention an international committee of independent experts, who would be empowered to visit, at any time, any place where persons deprived of their freedom by the public authorities were being detained. Such an arrangement would also lay the foundations for cooperation between the authorities of the country being visited and the international experts. A climate of confidence would be created, since the experts' recommendations would in principle remain confidential. It would not so much be a matter of pillorying a country publicly as of offering it advisory services and technical assistance in regard to the combating of torture. Accordingly, Switzerland would strongly urge that the Commission on Human Rights decide at its current session to set up a working group to draft an optional protocol to the Convention against Torture.

5. Although it was not - or at least was not yet - a Member of the United Nations, Switzerland had acceded or was preparing to accede to most United Nations human rights instruments, and attached particular importance to the work of the Commission on Human Rights, actively participating in its work to the fullest extent permitted. Thus, Switzerland had co-sponsored resolutions designed to renew and strengthen mechanisms for investigating human rights violations; Swiss experts had acted as the Commission's special rapporteurs on the situation in Romania and in Kuwait; and Switzerland had contributed to the budget of the Centre for Human Rights by making voluntary contributions to funds used to support various causes, notably victims of torture, indigenous populations, and advisory services and technical assistance in the field of human rights.

6. The increasing number of applications made by States to the Voluntary Fund for Technical Cooperation in the Field of Human Rights showed that such States were becoming increasingly aware that their political stability and economic development were linked to respect for human rights, whether those rights were civil and political, or economic, social and cultural: respect for fundamental rights and freedoms; respect for the principles of the rule of law, under which the State was accountable for its actions and individuals and groups were protected; an open society, in which private initiative was not regarded as a threat to the State; social justice; accountability of the Government to a freely elected and representative parliament; integration of the army and police forces into civilian society; an independent judiciary; and, lastly, a competent administration which functioned without corruption. It was only logical that development assistance should be made increasingly conditional on such principles of "good governance". It should of course avoid interference in the decision-making processes of the recipient State, but questions about the rule of law and respect for human rights would in future be the first to be asked in the context of technical cooperation for development.

7. Turning to the question of the support Switzerland now intended to give the Centre for Human Rights, he drew attention to that body's very precarious financial situation, and to its inadequate infrastructure. The 1993 World Conference on Human Rights would have to find satisfactory solutions, but Switzerland intended to act without delay, and to make a contribution of 200,000 Swiss francs to the Centre as from the current year. That contribution would be used to strengthen the capability of the mechanism established by the Commission for investigating the world human rights situation, a mechanism to which Switzerland attached the greatest importance, and more specifically to recruit for a two-year period a junior professional who would assist experts working in the context of that mechanism.

8. He was convinced that in a world in which recent developments, though full of uncertainties, also gave grounds for hope, there was a need to advance the cause of human rights, thus acknowledging, as proclaimed in the preamble to the Universal Declaration of 1948, that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 24) (continued) (E/CN.4/1992/57)

9. Ms. LUND (Observer for Norway), speaking on behalf of the Nordic countries, said that although the world had entered a new decade in which democracy and respect for human rights had been accorded greater significance, the international community still faced internal or ethnic conflicts, famine, ecological problems, and natural or manmade disasters on an unprecedented scale, all of which posed new challenges: the World Conference would provide an opportunity for taking up those challenges.

10. Concerning the first objective of the Conference - to review progress, and to identify obstacles and ways in which they could be overcome - it would be important to see to what extent the provisions of international instruments in force had been incorporated into national legislation and were being applied in practice, and how adherence to the most important of those instruments, notably the Covenants, could be promoted. The problem of the reservations often made in regard to such instruments should also be tackled. The Conference would also need to lay stress on the continuing phenomenon of torture, disappearances and summary executions, and on the obstacles standing in the way of democracy and jeopardizing the rule of law and the administration of justice, as well as on certain relevant economic and political factors, paying particular attention to concrete measures to be taken at the national level and supported by the international community.

11. The relationship between development and the enjoyment of human rights, which the General Assembly in resolution 45/155 had defined as the second topic for the Conference to consider, should be approached in a forward-looking and holistic spirit, by recommending steps that could be taken by Governments, the United Nations system and other intergovernmental bodies to promote human rights more effectively as part of their programmes of cooperation for development. The third objective, namely to examine ways and means to improve the implementation of existing human rights standards and instruments, should be tackled not only from the national viewpoint but also

from the international viewpoint, above all by devising appropriate training and information strategies, and by indicating how far independent national institutions and non-governmental organizations could play a role, as well as how States could be assisted in drafting appropriate national legislation.

12. In order to evaluate the effectiveness of United Nations activities in the field of human rights - the fourth objective of the Conference - it would be appropriate to make an inventory of existing mechanisms and to see how those mechanisms could be improved, as well as to evaluate advisory services and information and promotional activities. The fifth objective - to formulate concrete recommendations - meant that the Conference should seek ways of improving and rationalizing systems of reporting to treaty bodies, and of strengthening fact-finding and monitoring procedures. At the same time, new ways should be found of inducing States to fulfil the international responsibilities they had assumed, and suggestions should be made as to how human rights could be better integrated into the whole United Nations system by improving the interaction between the Centre for Human Rights and United Nations bodies concerned with development. Coordination should also be strengthened in regard to the problems of women, children, minorities, indigenous peoples, displaced persons and migrants. The Conference would also need to decide what contribution non-governmental organizations could make to that effort, and to find the necessary financial resources.

13. The Nordic countries were convinced that the Conference could also profit from the change in attitude, and the new opportunities at both national and international level, offered by the United Nations Decade for Women, by the Committee on the Elimination of Discrimination against Women, and by the Nairobi Forward-looking Strategies for the Advancement of Women.

14. That assumed that the Preparatory Committee, at its second session, would tackle substantive questions on a systematic basis, with a view to preparing the final document. The Nordic countries hoped that they would be able to assist the Conference in reaching concrete conclusions to which Governments, the United Nations system and non-governmental organizations could subscribe, and they looked forward with interest to the forthcoming regional meetings.

15. Mrs. RUESTA DE FURTER (Venezuela) said that now that 25 years had passed since the first international conference on human rights in Tehran, there was an obvious need to assess progress achieved, obstacles encountered, and ways in which such obstacles could be overcome. It was for that reason that the General Assembly, in resolution 45/155, unreservedly supported by Venezuela, had convened another high-level world conference for 1993.

16. Although there had been positive developments in respect for human rights, and such rights were now recognized as all being vital for peace and security, there was still a vast gap between the requirements of international human rights instruments and the reality. It was nevertheless essential to build the new world order around respect for all human rights by ensuring - in conformity with the principles of the indivisibility and interdependence of all rights enshrined in international instruments - that no one should be privileged at another's expense. It was also important that countries in which human rights were actually observed should not evade their moral obligation to give those who still aspired to realize such rights the benefit

of their experience. However, both expectations and obligations in that regard were conditioned by reality. For instance, the socio-economic difficulties of developing countries obviously prevented them from guaranteeing their populations the necessary conditions for enjoyment of their fundamental rights. Accordingly, in an international climate assumed to be more favourable to cooperation, all countries should approach problems connected with the right to development in a spirit of greater understanding and solidarity. The recent collapse of authoritarian and totalitarian regimes and the advance of pluralism had shown that democracy was in fact the system best calculated to promote respect for human rights; nevertheless, the problem was not an abstract one, and the United Nations Secretary-General, Mr. Boutros Ghali, had rightly emphasized that there could be no development without democracy, and no democracy without development.

17. In a statement of 31 January, the members of the Security Council - to which Venezuela belonged - had undertaken to cooperate closely with other United Nations Member States in overcoming problems of economic and social development. In so doing, they had recognized that peace and prosperity were indivisible, and that effective international cooperation was essential in order to eradicate poverty and to promote better standards of living for all, as part of a wider concept of freedom. Accordingly, the interdependence of all rights should be taken into consideration when tackling human rights problems, and the right to development should be universally recognized as a fundamental, inalienable right. That would require a revision of the current mechanisms of the United Nations, and, more specifically, of the Commission, to enable it to respond more effectively to new challenges, without confining itself to a narrow and partisan approach to the complexities of the current situation.

18. Venezuela was convinced that a second world conference on human rights which would take those realities into account was of great importance: it had participated actively in the first session of the Preparatory Committee, and intended to participate equally actively in the second session, at which the agenda, topics for consideration and rules of procedure of the Conference would be finalized. Venezuela unreservedly endorsed the main topic - human rights, democracy and development - and supported the provisional agenda proposed by the Latin American and Caribbean Group, which the Preparatory Committee could consider at its next session. Those countries were also working on draft rules of procedure for the Conference.

19. Concerning the preparatory documentation for the Conference, Venezuela, like other countries, believed that quality was more important than quantity, and was endeavouring - with other countries of the region - to harmonize the draft proposals put forward by the Secretariat on the matter. Failing such harmonization, the list of topics agreed by the regional group to which Venezuela belonged, or by other regional groups, should be published as an official document of the Preparatory Committee, so that the final decision could be taken at its second session. In the same constructive spirit, the regional group to which Venezuela belonged was putting forward names of Latin American and Caribbean specialists to the secretariat of the Conference, so that consultants and experts could be appointed in conformity with the principle of equitable geographical distribution.

20. Lastly, the delegation of Venezuela endorsed the procedure of holding regional meetings to prepare for the Conference, and was pleased to note that the regional meeting for Latin America would be held in Costa Rica, a country which supported the human rights cause. In addition, it supported the suggestion that the world conference be held in Italy.

21. Ms. WANGMO (International Association of Educators for World Peace) said that the Conference would provide an opportunity for giving the human rights debate a new and more constructive orientation in the current post cold war period. However, if the Conference were to achieve its objectives, it was essential that not only recognized Governments, but also victims of human rights abuses, should be able to express their views. Participation by non-governmental organizations in consultative status with the Economic and Social Council was of course important, but it was equally important that representatives of peoples and minorities not accredited to the United Nations, who had great difficulty in making their voices heard, should also be able to take part. Thus, although she herself was entitled to speak as a Tibetan on account of her Tibetan nationality, she could not speak as representative of her people. In that connection, she pointed out that the note by the Secretary-General concerning the situation in Tibet (document E/CN.4/1992/37), issued a few days earlier, contained proposals by the Government of the People's Republic of China and by numerous non-governmental organizations, but did not include the proposals by the Tibet Bureau to which the Secretary-General referred. Fortunately, the proposals by the non-governmental organizations covered many essential points.

22. Mr. ZHAN Daode (China), raising a point of order, asked the Chairman to remind the speaker that, under rule 43 of the rules of procedure of the functional commissions of the Economic and Social Council, debate should be confined to the subject under discussion.

23. The CHAIRMAN reminded the representative of the International Association of Educators for World Peace that she should comply with paragraph 2 of rule 43 of the rules of procedure by confining her remarks to the question before the Commission, namely, the World Conference on Human Rights.

24. Ms. WANGMO (International Association of Educators for World Peace) said she merely wished to stress that it was difficult for peoples such as her own, who were often victims of human rights abuses, to express their views freely before the United Nations and other international organizations. It was that very problem which had led to the creation, a year earlier, of the Organization of Unrepresented Nations and Peoples, whose task was to help its members to plead their cause and their priorities more effectively on the international scene, without resort to violence. That Organization should play a major role in the future development of human rights, as well as in other fields. It was vital that the nations and peoples which belonged to it, as well as other unrepresented nations and peoples whose rights were being violated, should be able to make their voice heard at conferences such as the World Conference on Human Rights and to participate in them, in the interests of arriving at a true understanding of the issues involved.

25. In a rapidly changing world, characterized by the increasing independence of all communities and the replacement of totalitarian societies by other, more open societies, the Conference could offer an opportunity for a significant advance towards the solution of problems, provided that its participants stopped ignoring, or refusing to hear, the voices of a large part of humanity which was all too often silenced.

26. Mr. Ennaceur (Tunisia) took the Chair.

27. Mr. FREDERICK (Service, Peace and Justice in Latin America) said that, in his report on the World Conference, the United Nations Secretary-General had rightly emphasized the measures taken to give the widest possible publicity to the Conference and to the questions it was to discuss. Nevertheless, there was still a need to specify what role the non-governmental organizations could play, both in the preparatory work for the Conference and during the Conference itself.

28. Although the contribution made by such organizations both within and outside the United Nations system had been recognized on more than one occasion by the Centre for Human Rights and by a number of countries, it was often difficult for them to participate in meetings, particularly in Geneva, owing to shortage of funds. It would therefore be desirable that the Voluntary Fund for the least developed countries set up to help finance participation in the Conference should also meet the cost of participation by representatives of non-governmental organizations.

29. Service, Peace and Justice in Latin America would also like the Conference's agenda to include certain topics which constantly recurred both in the Commission and in other bodies of the United Nations system: not only the right to life - which was the most important - but also economic, social and cultural rights and the right to development, since they were all indivisible.

30. Everything possible should be done to ensure that, in the gigantic world marketplace in which the populations of the various countries of the world were struggling to survive, the human person did not become a mere commodity.

31. Nor should the urgent problem of the failure to punish those responsible for human rights abuses, which constituted, in the view of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Working Group on Enforced or Involuntary Disappearances, one of the chief causes of persistent human rights violations in the world, be omitted from the discussions. The success of the Conference would depend both on the content of its agenda, which should properly reflect the current situation of human rights worldwide, and on the level of participation, which should be as high as possible.

32. Ms. SANCHEZ-GONZALEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) noted that the report of the Secretary-General (E/CN.4/1991/57) covered five points: public information activities, schedule of meetings of the Preparatory Committee, Voluntary Fund for least developed countries, regional preparatory meetings for the World Conference on Human Rights, and status of studies and documentation. The Federation had a number of suggestions to make in regard to those points.

33. Public information was very important, to avoid a situation in which only a privileged few knew about, and took part in, the World Conference. Although meetings of the Preparatory Committee were necessary, it would be advisable, in order to make the Conference known throughout the world, that at least two of them should be held in other continents, since the meetings were separate from the regional conferences. The setting up of a Voluntary Fund to assist what were termed the "least developed" countries was a worthy initiative, but support should also be given to non-governmental bodies in such countries. The regional meetings should be the final phase in a process of dissemination and discussion of human rights seen as an indivisible whole in each country in each of the regions. In regard to documentation, United Nations publications would be useful, but non-governmental organizations should also be given help in publishing works on specific themes.

34. She reiterated her Federation's request that the opportunity afforded by the Conference should be used to appeal to all States which had not yet signed, ratified or acceded to the various international instruments approved by the United Nations to do so. Lastly, popular participation should be ensured by the presence of a variety of non-governmental organizations from all countries. It was only in that way that the Conference could mark a genuine step forward for mankind along the path of progress.

35. Mr. Solt (Hungary) resumed the Chair.

36. The CHAIRMAN declared that the general discussion on agenda item 24 was now concluded.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (E/CN.4/1992/21 and Add.1; E/CN.4/1992/22; E/CN.4/1992/58; E/CN.4/1992/NGO/1; E/CN.4/1992/NGO/21)

37. Mr. MARTENSON (Under-Secretary-General for Human Rights), referring first to the public information activities of the Commission on Human Rights, said that people needed to be aware of their rights in order to realize them. Public information had thus become a priority of the United Nations human rights programme. Accordingly, since the launching of the World Public Information Campaign by the General Assembly in December 1988, the Centre for Human Rights, in cooperation with the Department of Public Information and with Member States and non-governmental organizations, had been endeavouring to lay the foundations for a universal culture of human rights by the preparation and dissemination of works of reference, as well as by workshops, fellowships, the observance of human rights days, etc., activities which were described in the Secretary-General's report (E/CN.4/1992/22).

38. He pointed out that 16 Fact Sheets had been issued since the Centre had begun publishing information material, five of them in 1991; five new special publications had also appeared, and others were in preparation; the Newsletter on Human Rights continued to appear quarterly; and in 1991, as part of the World Campaign, numerous seminars, training courses and workshops had been organized, which had helped to make persons responsible for applying human rights norms at the national level better informed. All those activities had been the fruit of combined efforts. In particular, the third inter-agency meeting on human rights issues, held in April 1991, had provided an opportunity to review joint projects and to exchange information on a number of activities carried out by participating organizations. In addition, on 20 November 1991, a new series of stamps on the theme of articles 13 to 18 of the Universal Declaration of Human Rights had been issued in New York, Geneva and Vienna.

39. The Commission on Human Rights, the General Assembly and the Centre for Human Rights were still paying particular attention to the issue of democratic elections and respect for national sovereignty. Under the advisory services programme, the Centre offered States expert assistance in the legal and technical aspects of a democratic election. Missions had visited Romania, Albania, and, most recently, Lesotho. The Centre was currently building up a small reference library and, after studying legal texts from several countries, would be prepared to suggest possible amendments.

40. The Commission might wish to consider ways in which the international community could encourage the holding of elections which complied with international standards, as well as ways of strengthening the capabilities of the Centre for Human Rights in that area, and of continuing to support countries after they had held democratic elections.

41. Concerning regional arrangements for the promotion and protection of human rights, he said that the Centre for Human Rights had strengthened its cooperation with regional commissions and other bodies, notably by organizing training courses and workshops. In Asia and the Pacific, more specifically, it had continued to cooperate with the Economic and Social Commission for Asia and the Pacific, and had organized training courses in Djakarta (Indonesia) and Ulan Bator (Mongolia), in cooperation with the Governments concerned.

42. The United Nations accorded special importance to strengthening national institutions for the promotion and protection of human rights. At its previous session, the Commission had requested the Secretary-General to convene a workshop of national and regional institutions with a view to increasing their effectiveness through cooperation with international organizations. Accordingly, the Centre for Human Rights had organized, in cooperation with the Government of France, an International Workshop of National Institutions for the Promotion and Protection of Human Rights, which had been held in Paris from 7 to 9 October 1991. The report on that highly successful workshop deserved the Commission's close attention.

43. Turning to item 11 (c) of the agenda, he recalled that in past resolutions, the Commission had urged that human rights activities should be allocated sufficient resources, and that any adjustments affecting staff or programmes should not adversely affect the functioning of the Centre, but

should rather enhance its status and role. The Commission had also supported the efforts of the Secretary-General to ensure that the Centre for Human Rights played a more significant coordinating role within United Nations bodies concerned with the promotion and protection of human rights. It had reaffirmed its support for the principle that personnel of the highest standards of efficiency, competence and integrity should be recruited. In accordance with resolution 1991/22, the Secretary-General had requested Governments, specialized agencies and non-governmental organizations to express their views on the strengthening of the activities of the Centre for Human Rights, including the representation of under-represented groups of States in senior and policy-formulating posts in the Centre. The Secretary-General had incorporated in his report E/CN.4/1992/21 and its addenda the views and comments he had received on that subject. It was to be hoped that at its current session the Commission would put forward practical proposals for strengthening the role of the Centre for Human Rights.

44. Mr. KALOC (Czech and Slovak Federal Republic) welcomed the strengthening of cooperation between the Centre for Human Rights and the various regional bodies and organizations concerned with human rights. An exchange of information and experience with such bodies was bound to be profitable for all concerned. His delegation had noted with interest the Austrian proposal that the Commission should set up an emergency intervention procedure; in its view, such a mechanism could help to strengthen the Commission's role in implementing the principles and rights enshrined in international human rights instruments.

45. With regard to item 11 (b) of the agenda, his delegation wished to state that efforts were now being made in Czechoslovakia to set up national institutions, both governmental and non-governmental, to promote and protect human rights. Regular consultations between the Government and non-governmental organizations enabled the latter to participate in formulating and implementing policies in areas that concerned them. The Federal Assembly, as well as the Czech National Council and the Slovak National Council, had set up parliamentary commissions for the protection of human rights and minority rights; in both Republics, there were advisory bodies for human rights at government level. The Federal Government, recognizing the advantages of having a human rights defence body which was entirely independent of the Executive Power, had set up an expert group to prepare an outline bill on the establishment of an ombudsman in Czechoslovakia. The setting up of a United Nations centre for documentation and training in the field of human rights in Bratislava, the capital of Slovakia, was currently under discussion between the Centre for Human Rights, several ccuntries, and Czechoslovak federal and local authorities: such a centre should play a vital role in publicizing and teaching human rights in schools, universities, parliaments and government departments, as well as among law enforcement officials and the general public. Accordingly, Czechoslovakia strongly supported the project.

46. Item 11 (c) concerned the coordinating role of the Centre for Human Rights, a role which was undoubtedly central to all United Nations activities in the field. Since the Centre's workload was likely to be substantially increased by preparations for the World Conference on Human Rights, as well as by the constant increase in the number of control mechanisms and in the number

of thematic and country rapporteurs, his delegation believed that it should be given additional human and financial resources to enable it to carry out its mission successfully.

47. In conclusion, his delegation wished to express its sincere gratitude to the Director of the Centre and Under-Secretary-General for Human Rights, Mr. Martenson, whose efforts to make the work of United Nations human rights bodies better known had undoubtedly been successful.

48. Mr. VERGA (Italy) expressed his gratitude to the Centre for Human Rights for all the activities it had undertaken in 1991 in the field of public information, despite the limited available financial resources of US$ 100,000. A detailed account of the activities was given in the report of the Secretary-General (E/CN.4/1992/22). Sharing the view expressed by the Under-Secretary-General for Human Rights that information played a fundamental role in the promotion and protection of human rights and fundamental freedoms, and having repeatedly asked for the allotment of further resources to the Centre's information programme, the Italian delegation welcomed the fact that the allocations made for publications in the 1992 programme budget had been increased to US$ 163,000. In its view, that increase reflected the growing attention devoted to the aspect of United Nations activities related to human rights, and represented the start of a positive trend. Stressing that strengthening the human resources assigned to the Centre was also a prerequisite for its improved functioning, the Italian delegation was pleased to announce that the Italian Government would make a tangible contribution to that improvement by funding a post for a junior professional to be assigned to the Centre's information programme.

49. The Italian delegation noted with satisfaction the information on the activities of the United Nations information centres provided by the Secretary-General in his report (E/CN.4/1992/22), as requested by the Commission in its resolution 1990/72. Such information was of the utmost importance for the United Nations information network, which would consequently be able to respond more effectively to the increased need for information and the dissemination of materials in the field of human rights. Regarding activities related to the World Public Information Campaign for Human Rights, the Italian delegation regretted that the expert meeting due to take place in 1991, in cooperation with UNESCO, with a view to developing a manual for higher education in the field of human rights, had been postponed to a later date. It attached great importance to the publication of the manual, given that the future of human rights throughout the world largely depended on the awareness regarding such questions which was acquired by younger generations, particularly those who would later play a leading role in society, during the decisive years of their development. Among the activities performed in 1991, the Italian delegation mentioned the International Journalists' Round Table on Human Rights and the United Nations, organized by the Department of Public Information at New York in October 1991 and attended by some 60 journalists from all over the world, which had allowed the development of contacts and collaboration between the bodies and organizations of the United Nations on the one hand and non-governmental human rights and media organizations on the other. In that regard, the need to further strengthen cooperation between the Department of Public Information and the Centre for Human Rights should be stressed. Finally, in respect of ongoing

activities, the Italian delegation noted with interest that, with the 1993 World Conference in view, the Centre for Human Rights was updating certain reference publications, such as the Compilation of International Instruments. The World Public Information Campaign for Human Rights was certainly one of the most arduous undertaken within the framework of the United Nations human rights programme. Good results had already been achieved, but the attainment of its goals would demand more resources and cooperation efforts.

50. Mr. BOUCHET (France) welcomed the fact that the Centre for Human Rights, in cooperation with the French National Consultative Commission on Human Rights, had organized in Paris, from 7 to 9 October 1991, the first International Workshop of National Institutions for the Promotion and Protection of Human Rights. The extremely full report on the Workshop (E/CN.4/1992/43 and Add.1) would allow everyone to gauge the work accomplished during those three days and to acquaint themselves with the recommendations adopted by consensus. It should first be emphasized that the participation of national institutions from five continents had ensured that the meeting did not favour the view of any particular country or region of the world. On the contrary, it was apparent that the national institutions for the promotion and protection of human rights all converged towards the same aim, although under different forms which took into account the political, legal, economic and cultural situation of the country in which they were active. It should also be noted that some institutions had a purely advisory function in terms of the general human rights policy, while others had semi-legal functions in all matters concerning infringements of individual freedoms. Moreover, although a number of the institutions had a collegiate composition, some were organized around a personality who played the role of ombudsman or mediator. Finally, the national institutions could operate by adopting their programme of activities to the particular priorities of the country concerned, as determined by its geographical and historical situation. The need to maintain that diversity, which allowed each country to employ methods better suited to the aims pursued, had been unanimously recognized. The agreement on that point had allowed a much more forceful affirmation of concern to be made for universality when it came to the effective protection of the rights of all men in all countries.

51. The statute of the institutions had been determined on the basis of certain principles. Notably, it had been agreed that the competence of each should be defined in a constitutional or legislative text; that their composition should be pluralist in order to guarantee their autonomy in relation to the State; and that they should be able to examine freely all matters within their competence (particularly by using their power of direct referral), in addition to having access to all relevant information, publicizing their views and recommendations, working together with other jurisdictional or non-jurisdictional bodies responsible for protecting and promoting human rights, and developing their relations with non-governmental organizations whose fundamental role should not be forgotten in that they constituted the militant base of action in the field.

52. The overall results of the activities of national institutions for the promotion and protection of human rights nevertheless still left much to be desired, since massive or individual violations of human rights persisted, and in some countries had even increased in both nature and number. It had been estimated that, depending on the various regional systems, barely 1 in every 100, if not 1 in every 1,000, cases of violations were brought to the attention of such institutions, particularly in the instance of violations committed by members of the police or army, only 1 per cent of which would be penalized. Much therefore remained to be done in terms of the national institutions, which should persistently pursue the matter with those in power with a view to implementing the necessary legal, economic and social reforms, promoting human rights training for members of the police forces and the army, facilitating the prosecution of those who, while supposedly responsible for ensuring their respect, violated human rights, and more generally, permitting each individual to become aware of and defend his rights. Consequently, it was important to encourage the establishment of national institutions of that type.

53. It would be extremely useful if the Commission transmitted to the Preparatory Committee of the World Conference on Human Rights the recommendations arising out of the highly productive Paris workshop, and further recommended to the Centre for Human Rights that it should make preparations for a new workshop which could take place in autumn 1993.

54. Mr. KOSSENKO (Russian Federation) stated that in various countries, including Russia, substantial information on international human rights standards was essential. The Russian Federation therefore accorded particular importance to the World Public Information Campaign for Human Rights, which should be the subject of appropriate measures at the national and regional levels. The Campaign should be a permanent and priority activity of the Centre for Human Rights, the human and material resources of which should be strengthened.

55. Various States, including the Russian Federation, were faced with the problem of internally displaced persons. According to experts, the number amounted to some 20 million throughout the world (in other words, over and above the number of traditional refugees). The Commission would therefore be right to accord the situation of such persons the place which it merited. In legal terms, a statute for displaced persons should be defined, and the elements of law which would allow them to receive humanitarian aid, whether from home or abroad, should be determined. A global study on that theme, which could possibly be conducted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, would be of great interest to many countries and to the authorities concerned with refugees and migrants. In that regard, the ideas and principles of various non-governmental organizations could usefully be taken into account.

56. The Commission was also considering the question of national institutions for the promotion and protection of human rights. The need to establish such institutions in each country was unanimously recognized, and the Russian authorities expected to set up one of their own in the very near future. Hence, the opinion of the Commission and the experience of other countries were extremely valuable. The International Workshop of National Institutions

for the Promotion and Protection of Human Rights, held in Paris in October 1991, had confirmed the importance and benefit of exchanging experiences and ensuring coordination between different national institutions. It would be advantageous to determine a precise field of action for such workshops and to hold them on a regular basis. With a view to the World Conference on Human Rights, it would also be desirable to produce standard directives on the structure and functioning of national institutions, as well as a directory of existing institutions in the various countries of the world. His delegation would support any initiative aimed at strengthening the rule of law and national democratic institutions. In that regard, it welcomed the proposal by Brazil.

57. In the course of the discussion, various delegations had made suggestions for increasing the efficiency of human rights bodies. Action in that direction should be taken and cooperation in the field strengthened. Tangible progress had already been achieved, particularly during the previous session of the General Assembly. As for the Commission itself, an in-depth analysis should be made of its working methods and structures in order to adapt them to the prevailing realities. The agenda, for instance, was clearly far too full, and included a considerable number of obsolete issues which had survived from the days when the Commission had been a ground of confrontation between the two blocs. At the previous session, a proposal had been made to restructure the agenda and institute the practice of examining themes on a comprehensive basis. The Russian delegation was prepared to consider that proposal at the next session and would state its views on the matter. In order to rationalize the work of the Commission, provision might also be made to consider certain issues every two years, reduce the number of declaratory resolutions and eliminate duplication. It was essential for the Commission to adhere to its mandate.

58. In addition, the procedures and control mechanisms of the international community should be strengthened. Its monitoring functions should play a priority role. In the final analysis, the vigilance of the international community regarding respect for human rights in a particular country was beneficial to the State concerned. Strengthening the preventive role of international bodies and adopting measures intended to forestall serious violations of rights and freedoms would help to ensure the increased protection of human rights in the world. Experiments had already been carried out in that area, particularly within the European framework, and some excellent theoretical work had been produced. It was in that perspective that the Russian Federation placed Austria's idea of creating a control mechanism which would intervene in emergency situations. Experience had shown that, in certain circumstances, a swift reaction by the international community and a competent international organization could prevent tragedies and save human lives. To ensure that action taken by the international community would be fully effective, the structures of the Secretariat should be strengthened and the Centre for Human Rights should be provided with the means which would allow it to exercise in full its role as a coordinating link. The Russian Federation favoured some redistribution of the United Nations financial resources with regard to human rights. Nothing should be overlooked in the process of promoting the principles of democracy, law, humanism and defence of the rights and freedoms of the individual.

59. Ms. ATTAH (Nigeria) said that the promotion, observance and defence of human rights and fundamental freedoms was essential, not only for the maintenance of international peace and security, but also for the progress of mankind. Each year, the Commission was seized with cases of violations in certain parts of the world which threatened international peace and security. The States Members of the United Nations should not forget that setting goals was not enough - it was also necessary to put in place mechanisms for the effective attainment of such standards.

60. The Nigerian Government was unequivocally determined, as enshrined in the Constitution of Nigeria, to promote and protect human rights and fundamental freedoms and to ensure that they were enjoyed, while safeguarding respect for the rule of law by all citizens. While the individual was the primary beneficiary of civil and political rights, as well as economic, social and cultural rights, it was also necessary to protect the vulnerable groups of the population. The individual, however, should be aware of the responsibilities attached to the enjoyment of such rights.

61. In addition to constitutional safeguards, national institutions responsible for protecting and promoting the rights of individuals had been created in Nigeria. The judiciary was also fully independent. In 1973, the Government had adopted the Legal Aid Assistance Scheme, a system providing legal assistance to those needing professional help in both civil and criminal cases. The system had been so successful that other African countries had sought Nigeria's assistance in that respect. Similarly, within the Nigerian Bar Association, a professional and independent grouping of lawyers, there was a well-established and highly regarded Sub-Committee on Human Rights. The Sub-Committee offered assistance, protection and professional advocacy for individuals with evidence of infringement of their rights.

62. In most African countries, it was necessary to strengthen that type of institution by frequently organizing national and regional seminars, workshops and conferences for all those involved in the implementation of human rights, and particularly members of the security forces.

63. She commended Mr. Jan Martenson, Under-Secretary-General for Human Rights, for the energetic role he was playing to advance world public opinion, as well as United Nations action, in the field of human rights. The Nigerian delegation also commended the Secretary-General for the reports he had produced pursuant to the relevant resolutions of the Commission on regional arrangements for the promotion and protection of human rights (E/CN.4/1992/21; E/CN.4/1992/22; E/CN.4/1992/23; E/CN.4/1992/24). The reports not only constituted a tangible contribution on the part of the United Nations to the promotion and protection of human rights in general, but also underscored the growing need to encourage cooperation between the Centre for Human Rights and national institutions for the promotion and protection of human rights. The Nigerian delegation believed that a practical approach to human rights was preferable to a rhetorical one. It therefore called upon the international community to provide the Centre for Human Rights with all possible support and encouragement in order to ensure that the forthcoming World Conference on Human Rights, scheduled for 1993, achieved the desired goals.

64. Mr. VALENTINO (Observer for Malta) said he would discuss two particular aspects of the agenda item under discussion: regional cooperation between national institutions for the promotion and protection of human rights and the machinery dealing with the promotion and protection of human rights.

65. It had often been said that mankind was currently living through an auspicious period of history. In fact, with the end of the cold war, man could finally hope to reap the dividends of peace in a number of areas. One area where such dividends were already tangible was that of the promotion and protection of human rights. One of the most bitterly felt consequences of the cold war logic had been that millions had been victimized unchecked as a result of painful but necessary compromises; some Governments had feared that too strict a control of violations in some States would only push them towards the other camp. If, for those Governments who had felt their hands tied, such compromises had been painful, what could be said of the sufferings endured by those peoples who had been the first victims of abuses of authority and flagrant violations of human rights and fundamental freedoms? In that regard, the immediate beneficiaries of the dividends brought by the end of the cold war were those whose task it was to defend human rights.

66. The changes in the international political scene had brought about a welcome development in attitude, namely a greater awareness of the fundamental values shared by the overall international community, which favoured the promotion and protection of human rights and fundamental freedoms. Although such values were proclaimed in various international charters, they had often been the price of the logic of compromise prevailing during the cold war. The readiness to defend shared values did not necessarily condemn the world to social uniformity. The diverse socio-cultural traditions which gave each State its identity were part of the richness and diversity that formed the fabric of the international community. The enjoyment by all individuals of universally acknowledged human rights did not in itself pose a threat to cultural diversity. If proof were needed, it would suffice to note the progress achieved by the Conference on Security and Cooperation in Europe; the States which took part had retained their distinct identity and their full sovereignty, while succeeding in creating mechanisms to promote greater respect for human rights.

67. Even if that example could not be applied in the same manner throughout the world, the same concern was commonly felt each time the international community encountered a violation of human rights, and it was with growing vigour that shared values were now professed. That community of spirit was dictated by a feeling of solidarity for the victims of violations, and the words of the Universal Declaration of Human Rights were still as valid today as they had been 44 years previously: "... disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind".

68. There was a second, more pragmatic reason for the common concern of all countries, namely the fact that human rights violations constituted a factor of instability, both for the State concerned and for the region in which it was located. His delegation therefore welcomed the initiative of the Austrian delegation to strengthen the promotion and protection of human rights by providing the international community with means of urgent intervention in the case of gross and flagrant human rights violations, wherever they might occur.

The proposed mechanism could certainly be perfected, but its establishment and the possibility of sending independent expert missions to control abuses on the spot would, in the view of his delegation, undoubtedly constitute a step in the right direction.

69. Mr. CETO RAYMUNDO (International Federation of Human Rights) stated that he was extremely concerned by the grave human rights violations suffered by internally displaced persons. In particular, he wished to draw the Commission's attention to the situation of such persons in Guatemala.

70. Between 1980 and 1983, 1.3 million Guatemalans, mostly indigenous people driven from their own land, had been forced to go and settle on the outskirts of large towns such as the capital, Guatemala City, where they lived in conditions of extreme poverty and were gradually losing their cultural identity. Alternatively, they were forced to go and work as farmhands on huge estates along Guatemala's south coast, where they were exploited and discriminated against. Still others, numbering perhaps 20,000, had sought refuge in the mountainous regions where they had been living for almost 10 years in extremely difficult conditions, particularly in the departments of Quiché and Petén, where their villages were constantly shelled in the anti-insurgency campaign being conducted by the army, as non-governmental organizations, Church representatives and national and international human rights defence groups visiting the sites had been able to testify. Those civilian populations, which had formed into "Communities of Resisting People", were the victims of flagrant violations of the rights accorded by the international humanitarian instruments which Guatemala had undertaken to respect. Their extremely precarious situation was confirmed by Mr. Tomuschat, Special Representative of the Secretary-General, in his report on the situation of human rights in Guatemala (E/CN.4/1992/5), in which he recommended that the civil and military authorities in the country should adopt the necessary measures to bring an end to the shelling and other armed actions which endangered the life and security of such people. However, neither the Government nor the Guatemalan army had acted on his recommendations. The Commission should therefore again urge them to put an immediate end to the indiscriminate attacks against the non-combatant civilian populations in the "Communities of Resisting People", and guarantee respect for all their economic, social, cultural, civil and political rights.

71. His colleague Mrs. Jiménez, would speak under the same agenda item on the situation of displaced persons in the Philippines.

72. Mrs. JIMENEZ (International Federation of Human Rights) said that in the Philippines, the escalation of the armed struggle against Communist insurgents had led to the displacement of some 1.1 million men, women and children between 1987 and 1991. During the latter year, 15,000 families, numbering almost 90,000 people, had been forced to leave their homes. The internally displaced Filipinos were mostly peasants but, since 1991, they had increasingly consisted of members of the indigenous communities fleeing from air attacks on their villages. The services and resources available to the Government were insufficient to counter the situation, which was further aggravated by the food and economic blockade imposed by the army with a view to thwarting all assistance to the insurgents in those regions. The practice of the food blockade had recently been legalized by a government decree, even

though the Government was bound by the provisions of common article 3 of the four Geneva Conventions and the Second Additional Protocol. The military operations launched by the Government in various regions of the country were the source of the problem of displaced persons in the Philippines. The operations were generally aimed at non-armed civilians, and took place during, or shortly before, the harvest season in areas where development projects opposed by indigenous and local groups were to be undertaken, or in areas rich in natural resources, such as wood or minerals. The inhabitants of such regions, particularly the indigenous people, were increasingly evacuated to the forests rather than to reception centres, a situation which could only make it more difficult for the non-governmental organizations to come to their aid. The International Federation of Human Rights and the organizations affiliated to it in the Philippines and Guatemala therefore urged the Commission to take action so that a solution could be found to the problems facing such internally displaced persons.

73. With regard to agenda item 11 (b), the International Federation of Human Rights welcomed the report of the first International Workshop of National Institutions for the Promotion and Protection of Human Rights (E/CN.4/1992/43 and Add.1). It urged the Governments concerned to apply the recommendations made at that meeting and requested the Commission to convey them to the World Conference on Human Rights.

74. Mr. FREDERICK (Service, Justice and Peace in Latin America) noted that General Assembly resolution 44/64 had requested the Secretary-General to prepare, with the assistance of experts, if necessary, and incorporating materials submitted by Governments, a report containing conceptual models of national institutions for the protection and promotion of human rights, thereby excluding the rich experience of non-governmental organizations. That could only dangerously reinforce the hostile attitude of certain States towards those who militated in favour of the human rights cause. For many Governments, institutions for the protection of human rights defended specific private interests and not universal values and principles.

75. As for ways of better ensuring the effective enjoyment of human rights and fundamental freedoms, it was essential to acquaint everyone with his rights. Service, Peace and Justice in Latin America had been and remained extremely active in that regard in much of Latin America. The question of human rights was no longer solely a matter for academics; each individual's awareness of his dignity and rights was an element of social mobilization for the establishment of better living conditions and greater freedom. Human rights were no longer the prerogative of the affluent or to be regarded as something of a luxury. On the contrary, the realization of economic, social and cultural rights, which were true human rights, was a condition of development.

76. Education in human rights should be understood in the broad sense. It covered both instruction dispensed in educational establishments and information and awareness activities. Teaching establishments shouldered an enormous responsibility, as it was their duty to promote the values which enhanced man; in that regard, it could only be noted that the educational systems were far from adequate to their task on all occasions. UNESCO had long accorded great importance to human rights teaching and stressed the role

played by education in the defence of peace. In concrete terms, it was imperative that teachers and educators received appropriate training.

77. The failure of the United Nations human rights aid programmes was probably due to the fact that the authorities responsible for human rights violations were unwilling or unable to change their attitude; such was the case, for instance, in Guatemala and Haiti. It was therefore important to promote the introduction of regional mechanisms for the protection of human rights, and it would be desirable for national educational systems to echo United Nations campaigns and for the United Nations to take into account the vast experience of non-governmental organizations in the human rights field.

78. Mr. ZUNIGA (International Association of Educators for World Peace) said that, although human rights violations occurred in democratic as well as non-democratic countries, the origins and nature of the violations differed according to the category of country concerned. The solutions should therefore also be different.

79. In democratic countries, where the laws and election system were in full keeping with the Universal Declaration of Human Rights, human rights abuses were due to administrative corruption and the individual acts of those responsible for managing the country's resources; the ensuing effects were social injustice, which itself engendered acts of violence. The spirit of revolt was fanned by the advocates of extremist or totalitarian ideologies, such as communism, which hypocritically presented social injustice as a consequence of the democratic system and which, with a view to taking power, incited people, particularly the poorest, to take up arms. However, it was not by discarding democracy that justice would reign and that a wider enjoyment of human rights would be assured. Democracy was the only system capable of guaranteeing application of the articles of the Charter of the United Nations.

80. On the other hand, in non-democratic countries, where the people were unable to express their will in free elections, human rights violations were institutionalized; in other words, they were inherent even in the country's laws. To ensure the effective enjoyment of human rights and fundamental freedoms, it was first necessary to abolish all legislation which ran counter to the Universal Declaration of Human Rights and impeded its application. That the universally accepted norms should be the prototype of all national legislations was an idea which had been put forward by various eminent personalities, and recently by the Uruguayan Foreign Minister, Mr. Héctor Gros Espiell. It was only contested by the representatives of States whose populations were the least free. In that regard, it was interesting to consider certain articles of the socialist Cuban constitution. Article 5, for instance, stated that the Communist Party of Cuba was the superior guiding force of society and the State. In other words, a political ideology, communism, assumed the right to be the only authorized ideology to the detriment of all those who, in Cuban society, might hold another opinion.

81. The CHAIRMAN interrupted the speaker to remind him that, under rule 43 of the rules of procedure, he should limit his remarks to questions relevant to agenda item 11.

82. Mr. ZUNIGA (International Association of Educators for World Peace) having resumed his statement, Mr. FERNANDEZ PALACIO (Cuba), on a point of order, asked the Chairman to remind the speaker that he should avoid references to a State when addressing item 11.

83. Mr. ZUNIGA (International Association of Educators for World Peace) said he believed that his statement came under agenda item 11 (a). One method of assuring the effective enjoyment of human rights was to abolish all laws which contravened the Universal Declaration of Human Rights. He intended merely to cite examples of laws which restricted the freedom of the Cuban people.

84. The CHAIRMAN asked the speaker to avoid citing such examples. Speakers should keep to the questions mentioned under item 11 (a) of the annotated provisional agenda and should refrain from criticizing any particular body of legislation.

85. Mr. ZUNIGA (International Association of Educators for World Peace) objected to the fact that, in relation to the agenda item under discussion, non-governmental organizations were prevented from speaking on the situation in a specific country.

86. The CHAIRMAN said that in his view, the speaker's remarks were not directly relevant to the item under discussion. In that regard he gave a reminder that speakers should comply with the requirements of the rules of procedure and should, moreover, respect the fixed time-limit for statements.

87. Mr. ZUNIGA (International Association of Educators for World Peace), regretting the fact that he was unable to speak on a situation which, in his view, came under agenda item 11, urged those participants who wished to do so to obtain the written text of his statement.

88. Mr. ANDREU (International League for the Rights and Liberation of Peoples) stated that, in order to ensure the effective enjoyment of human rights, human rights abuses should be made punishable by law. In that regard, he referred to article 8 of the Universal Declaration of Human Rights and article 2 of the International Covenant on Civil and Political Rights. International law also covered the general obligation incumbent on States to investigate human rights violations and to try and sentence the perpetrators of serious and systematic violations. That obligation was similarly articulated in several international conventions; yet that right to legal recourse was flouted by the phenomenon of impunity. Impunity, which was a flagrant violation of international law, greatly encouraged practices such as torture, assassination and enforced disappearance. Impunity was too often seen to be an element of the official policy of States which had ratified the International Covenants on Human Rights and most international conventions; it was therefore exercised insidiously, in apparent legal forms, and shielded the State from responsibility.

89. Venezuela was one such State. Between October 1990 and September 1991 there had been 80 recorded deaths attributable to the organizations responsible for State security, seven cases of disappearance, 54 death threats, 54 cases of rights being infringed and 1,826 arbitrary detentions. The agents of the State were assured of impunity as a result of various procedures; for example,

a preliminary inquiry would be undertaken without the participation of the civil claimant, and during which it would be decided whether or not to prosecute the persons charged. Most cases dragged on for months or years and, in the rare cases which culminated in a trial, the agent of the State was generally cleared of all charges, even despite overwhelming proof. Furthermore, although on 26 June 1991, Venezuela had ratified the Convention On Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, almost six years after having acceded to it (15 February 1985), 75 cases of torture had been recorded between October 1989 and September 1991. The discovery of a mass grave in the public cemetery south of Caracas should also be mentioned; it was there that the secret burials had taken place of the 399 people who had either disappeared or been assassinated during the repression of the protest movement of February and March 1989. Initially the authorities had simply denied the existence of such a grave. The Government had then played down the number of persons killed and had attempted to justify the facts by citing an obligation to maintain law and order. Following action taken by the families of the victims, the military criminal courts had declared themselves competent to try the case. Predictably, no member of the military forces had been sentenced, and the Government had not even taken disciplinary measures against the military or police personnel from Caracas who were responsible. Under pressure from the families of the victims and from human rights organizations, the corpses had finally been exhumed on 26 November 1990.

90. Mr. MENDEZ (Venezuela), speaking on a point of order, requested that the speaker should keep to the agenda item under consideration.

91. Mr. Walker (Australia) took the Chair.

92. The CHAIRMAN asked the speaker to refrain from mentioning facts which had no direct link with the question under consideration.

93. Mr. ANDREU (International League for the Rights and Liberation of Peoples) stressed the futility of international instruments on the protection of human rights being ratified by States if they maintained institutions which allowed or facilitated the perpetration of acts contrary to human rights, or which permitted, tolerated or encouraged impunity for the perpetrators of such acts. Effective respect for human rights required that the guilty parties should be punished and that all procedures and practices which allowed them to act with complete impunity should be abolished. The International League for the Rights and Liberation of Peoples would like the question of impunity to be given the closest attention by the Commission on Human Rights and to be accorded priority on the agenda of the 1993 World Conference on Human Rights.